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Patent Application of:

Tetsuro IWANAGA et al.

Application No.: 10/581,285

Confirmation No.: 3178

Filed: June 1, 2006

Art Unit: 1616

For: COMPOSITION CONTAINING  
POLYGLYCEROL/MEDIUM-CHAIN  
FATTY ACID ESTER

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Examiner: KARPINSKI, Luke E.

**DECLARATION UNDER 37 CFR 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Koki TAKAHASHI, residing in Mie-ken, Japan, hereby declare and state as follows:

1. That I am thoroughly familiar with the contents of U.S.

Application Serial No. 10/581,285 filed on June 1, 2006, entitled  
COMPOSITION CONTAINING POLYGLYCEROL/MEDIUM-CHAIN  
FATTY ACID ESTER, its prosecution before the United States Patent and  
Trademark Office and the references cited therein.

2. That I am a graduate of Rikkyo University, Graduate School of  
Science, with a master's degree in the year 2000, majoring in life science.

3. That I have been employed in Taiyo Kagaku Co., Ltd. in the year  
2005 and have been assigned to the Research Laboratories.

4. That I have been involved in the research and development of applications of surfactants to the field of cosmetics.

5. That the following experiments were conducted by myself or under my direct supervision and control in order to verify that cleansing cosmetics having an oil agent in an amount of 70 to 99.8% by weight as claimed in the present invention exhibit surprisingly superior effects as compared with those of which content is 60% by weight.

#### EXPERIMENTAL

##### Preparation of Composition of Example 3 of the Present Invention and Compositions Modifying Example 3 in Oil Contents for Comparison

There are three test groups A, B, and C.

Test Group A is the same as Example 3 of the present specification.

Test Group B was prepared in the same manner as in Example 3 of the present specification except that the oil content was changed from 80% to 70% (Ex. 3-Rev. 1).

Test Group C was prepared in the same manner as in Example 3 of the present specification except that the oil content was changed from 80% to 60% (Ex. 3-Rev. 2).

The part of Groups B and C having a reduced oil content was replaced with water. The compositions for each of the test groups are as follows.

Table I (Compositions for Comparative Tests)

Raw Materials	Content (% by weight)		
	Ex. 3 (Oil Content: 80%)	Ex. 3-Rev. 1 (Oil Content: 70%)	Ex. 3-Rev. 2 (Oil Content: 60%)
<u>Polyglycerol Medium-Chain Fatty Acid Ester</u>			
Eicosaglycerol Hexacaprylate	10	10	10
<u>Nonionic Surfactant</u>			
Decaglycerol Diisostearate	10	10	10
<u>Oil Agent</u>			
Liquid Paraffin	10	10	10
Isopropyl Myristate	70	60	50
Water	0	10	20
Total Amount	100	100	100

Evaluation Method

Five specialist panelists who were provided with makeup took on their hands 1 g of a makeup remover, and applied over an entire face with both hands and massaged for 30 seconds, and thereafter washed off with water. In the course of treatment, (1) the affinity of makeup soil, (2) rinsability, (3) remover capability, and (4) overall feel of use were evaluated numerically in 5 ranks, 1: poor, 2: slightly poor, 3: fair, 4: good, and 5: excellent. An average score of 5 individuals was calculated, and the properties (1) to (3) were evaluated in accordance with the following evaluation criteria.

[Evaluation Criteria]

- : An average score being 4.8 or more;
- : An average score being 4.4 or more and less than 4.8;
- : An average score being 4.0 or more and less than 4.4;
- △: An average score being 3.0 or more and less than 4.0; and
- ×: An average score being less than 3.0.

Also, (4) is shown in raw evaluation scores.

Also, the formation of microemulsion was evaluated in the same manner as in the present specification. Specifically, 1 g of a makeup remover was weighed in a test tube, and 1 g of water was added thereto while stirring. The state was visually examined, and evaluated in accordance with the following evaluation criteria.

[Evaluation Criteria]

- : Transparent;
- △: Semi-transparent; and
- ×: White turbid.

The results are shown in Table II.

Table II (Functional Evaluation Results for Makeup Remover)

Raw Materials		Content (% by weight)		
		Ex. 3 (Oil Content: 80%)	Ex. 3-Rev. 1 (Oil Content: 70%)	Ex. 3-Rev. 2 (Oil Content: 60%)
Affinity to Makeup Soils	Dry state	○○	○	△
	Wet state	○	○	△
Rinsability	Dry state	○	○	○
	Wet state	○	○	○
Remover Capability	Dry state	○○	○	△
	Wet state	○	○	△
Overall Feel of Use		Score: 4.8	Score: 4.4	Score: 3.4
Formation of Microemulsion		○	○	△

**DISCUSSION**

As shown in the table, with the increase in the oil content, the evaluation results became more favorable. Especially, the evaluation results for "affinity to makeup soil," "remover capability," and "overall feel of use" were markedly better in a case where the oil content was 70%, as compared to the composition having an oil content of 60%. In addition, the composition having an oil content of 80% showed outstandingly favorable results in all the evaluation items.

**Statement Under 18 U.S.C. § 1001**

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: 4.8.2011.

By Koki Takahashi

Koki TAKAHASHI